

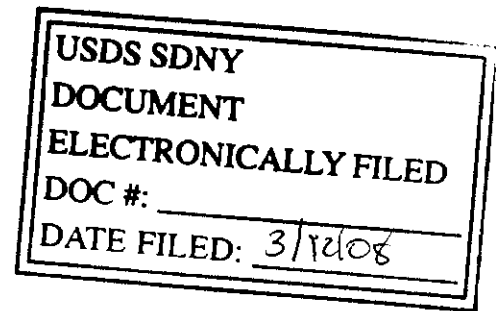


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March 10, 2008

*Via FedEx*

Honorable Richard J. Sullivan  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St., Room 615  
New York, NY 10007



**Re: National Utility Service, Inc. v.  
Tiffany & Co. and Tiffany and Company  
Index No.: 07 CV 3345 (RJS) (GWG)**

Dear Judge Sullivan:

We represent the plaintiff, National Utility Service, Inc. ("Plaintiff"), in the above action. We submit this application for a sixty (60) day extension of the fact discovery deadline from March 14, 2008, until May 14, 2008. Defendants, Tiffany & Co. and Tiffany and Company ("Defendants"), join in this application. No previous request for an extension of the original fact discovery deadline has been made by any party. Please note that an extension of the fact discovery deadline will also require an adjustment of the other pre-trial deadlines set by the court. Accordingly, we are also submitting a Proposed Revised Case Management Plan and Scheduling Order for your consideration.

The parties have made considerable progress in discovery since appearing before you on November 27, 2007. Specifically, the parties have produced documents, Defendants have answered plaintiff's interrogatories, documents have been produced by third-parties pursuant to subpoenas and five depositions have been conducted of the parties' representatives.

The following matters, however, remain outstanding. Plaintiff intends to take the depositions of at least another three of Defendants' current or former employees, including the individual who signed the contract at issue in this case. Defendants also plan to take at least one additional deposition of Plaintiff's employees. The need for some of these depositions was not initially anticipated but arose during discovery. Please note there may be scheduling issues with respect to two of these depositions because the witnesses reside out-of-state or out of the country. Additionally, the parties intend to take the depositions of representatives of several third-party entities that were involved in the events concerning this case.

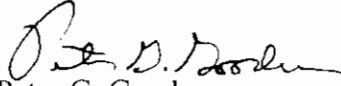
HARTMAN  
CRAVEN LLP

Honorable Richard J. Sullivan  
March 10, 2008  
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Despite our joint efforts to work toward an expeditious close of discovery, the parties will be unable to complete all of these depositions by the current deadline for fact discovery of March 14<sup>th</sup>. Accordingly, the parties request that the fact discovery deadline be extended to May 14, 2008, and that the other deadlines in this case be similarly extended. Finally, please note that there is a conference scheduled before you on May 15, 2008, which we request to be adjourned in the event the court extends the fact discovery deadline.

Thank you for your consideration.

Respectfully submitted,

  
Peter G. Goodman


Enclosure

cc: Jeffrey A. Mitchell, Esq. (w/enclosure, by email)  
E. Timothy McAuliffe, Jr. (w/enclosure, by email)

The parties' request  
for a 60-day ~~the~~ extension to the  
discovery schedule is granted.  
No further requests will be con-  
sidered by the court.

SO ORDERED  
Dated:

3/11/08

  
RICHARD J. SULLIVAN  
U.S.D.J.

**HARTMAN & CRAVEN LLP**  
**Peter G. Goodman (PG 4210)**  
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**(212) 753-7500**

**Attorneys for Plaintiff**

**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF NEW YORK**

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<b>NATIONAL UTILITY SERVICE, INC.,</b>	:	<b>Case No.: 07 CV 3345 (RJS)</b>
	:	
<b>Plaintiff,</b>	:	<b>REVISED PROPOSED CASE</b>
	:	<b>MANAGEMENT PLAN AND</b>
	:	<b>SCHEDULING ORDER</b>
<b>-against-</b>	:	<b>ECF CASE</b>
	:	
<b>TIFFANY &amp; CO. and TIFFANY AND</b>	:	
<b>COMPANY,</b>	:	
	:	
<b>Defendants.</b>	:	
	:	
	:	

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**RICHARD J. SULLIVAN, District Judge:**

This Revised Case Management Plan and Scheduling Order was adopted in accordance with Rules 16-26(f) of the Federal Rules of Civil Procedure.

1. All parties do not consent to trial by Magistrate Judge, pursuant to 28 U.S.C. § 636(c).
2. This case is to be tried to a jury.

3. No additional parties may be joined except with leave of the Court.
4. Amended pleadings may not be filed except with leave of the Court.
5. Initial disclosures pursuant to Rule 26(a)(1) will be completed not later than November 1, 2007.
6. All *fact* discovery is to be completed no later than May 14, 2008.
7. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the parties on consent without application to the Court, provided the parties meet the fact discovery completion date in paragraph 6 above:
  - a. Initial request for production of documents to be served by November 1, 2007.
  - b. Interrogatories to be served by December 3, 2007.
  - c. Depositions to be completed by May 14, 2008.
    - i. Unless the parties agree or the Court so orders, depositions are not to be held until all parties have responded to initial requests for document production.
    - ii. There is no priority in deposition by reason of a party's status as plaintiff or defendant.
    - iii. Unless the parties agree or the Court so orders, non-party depositions shall follow initial party depositions.
  - d. Requests to Admit to be served no later than May 14, 2008.
8. All *expert* disclosures, including reports, production of underlying documents and depositions are to be completed by:
  - a. Expert(s) of Plaintiff(s) June 16, 2008.
  - b. Expert(s) of Defendant(s) June 16, 2008.
9. All discovery is to be completed no later than June 16, 2008.
10. The Court will schedule a post-discovery status conference (see ¶ 16) within three weeks of the close of all discovery.
11. Pre-motion letters regarding dispositive motions, if any, are to be submitted no later than two weeks prior to the post-discovery status conference listed in ¶18. In accord with this Court's Individual Rule 2.A, response letters thereto are to be submitted within three business days from service of the initial pre-motion letter.

Premotion letters, if any, shall be submitted by 6/20/08; response(s) shall be submitted by 6/25/08.

12. All counsel must meet for at least one hour to discuss settlement not later than two weeks following the close of fact discovery. Accordingly, Counsel for the parties have discussed holding a settlement conference before the Magistrate Judge or the Southern District's Mediation Program and request:

- a. ☒ Referral to a Magistrate Judge for settlement discussions  
[A settlement conference was held before Magistrate Judge Gorenstein on January 15, 2008]
- b. Referral to the Southern District's Mediation Program

13. The Parties shall submit a Joint Pretrial Order prepared in accordance with the undersigned's Individual Practice Rule 3 and Rule 26(a)(3). If this action is to be tried before a jury, proposed *voir dire*, jury instructions and a verdict form shall be filed with the Joint Pretrial Order. Counsel are required to meet and confer on jury instructions and verdict form in an effort to make an agreed upon submission.

14. Parties have conferred and their present best estimate of the length of trial is 6 days.

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**TO BE COMPLETED BY THE COURT:**

15. [Other directions to the parties:]

16. The post-discovery status conference is scheduled for 7/18 at 9<sup>30</sup> AM.  
\_\_\_\_\_.

SO ORDERED.

DATED: New York, New York  
March 11, 2008

  
RICHARD J. SULLIVAN  
UNITED STATES DISTRICT JUDGE